

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANH VU NGUYEN,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. 2:24-cv-00525-JCC-GJL

ORDER OF TRANSFER

The Court, having reviewed the Report and Recommendation of Magistrate Judge Grady J. Leupold, and the remaining record, does hereby find and ORDER:

- (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 4) and OVERRULES Petitioner's objections (Dkt. No. 5).
- (2) Petitioner's federal habeas Petition is TRANSFERRED to the Ninth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631 and Ninth Circuit Rule 22-3. Petitioner is advised that this transfer does not of itself constitute compliance with 28 U.S.C. § 2244(b)(3) and Ninth Circuit Rule 22-3. Petitioner must still file a motion for leave to proceed in the Court of Appeals and make the showing required by § 2244(b)(2).

1 (3) The Clerk is directed to close this case and to transfer all original documents to
2 the Ninth Circuit Court of Appeals. The Clerk shall, however, retain copies of the
3 Petition, the Report and Recommendation, and this Order in the file.

4 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for
5 Respondent, and to the Hon. Grady J. Leupold.

6 DATED this 27th day of June 2024.

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10 John C. Coughenour
UNITED STATES DISTRICT JUDGE